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27 MAR 1978

Honorable Dante B. Fascell, Chairman
Subcommittee on International Operations
Committee on International Relations
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

I want to take this opportunity to comment on one section of H. R. 11383, a bill to establish a "Commission on Proposals for a United States Academy for Peace and Conflict Resolution."

H. R. 11383 would set up a Commission which, among other things, would undertake a study to determine the feasibility and efficacy of establishing a United States Academy for Peace and Conflict Resolution. Subsection 7(c) of the bill provides the Commission with the authority to "secure directly from any Federal agency information necessary to enable it to carry out this Act." The subsection further provides as a statutory duty that the head of any Federal agency shall furnish to the Commission whatever information it may deem necessary to "enable it to carry out this Act."

It is the mandatory language, "shall furnish," in subsection 7(c) which could create a conflict with paragraph 102(d)(3) of the National Security Act of 1947, as amended, which makes the Director of Central Intelligence responsible for protecting intelligence sources and methods from unauthorized disclosure (50 U.S.C.A. 403(d)(3)). Although it would seem that this legislation is not intended to require disclosure of sensitive information that is classified or protected from unauthorized disclosure by statute absent applicable security considerations, the language of subsection 7(c) does not clearly reflect this interest. A conflict could arise, for example, if the Commission requested information from the CIA which contained intelligence sources and methods. The Director of Central Intelligence could not disclose this information unless the recipients met the requisite security requirements.

For the reason discussed herein, we oppose enactment of H. R. 11383.

The Office of Management and Budget has advised there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

/s/ Frank C. Carlucci⁻¹
Frank Carlucci

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